

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAVID CHRISTOPHER LEE WALTON,

Plaintiff,

v.

LIEUTENANT STAN HENDRICKSON,
SERGEANT RYAN HALLMAN and
SERGEANT PATRICA FISH,

Defendants.

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ORDER

17-cv-956-bbc

Pro se prisoner David Walton is proceeding on Fourteenth Amendment claims that staff at the Monroe County Jail failed to provide him access to medical treatment and subjected him to unconstitutional conditions of confinement while he was incarcerated on a probation hold in June 2015. Before the court are (1) plaintiff's motion to compel defendants to respond to his fifth request for production of documents and additional requests for admissions, which plaintiff mailed to defendants on October 19, 2018, dkt. #51, and (2) defendants' motion to amend their discovery responses, dkt. #54.

Plaintiff filed his motion to compel on November 29, 2018, arguing that defendants had not filed their discovery responses within the 30-day deadline for doing so. On December 10, 2018, defendants responded to plaintiff's discovery requests and his motion, explaining that they missed the response deadline because their lead attorney in this case retired on November 30, 2018 and failed to docket the response deadline on the law firm's calendar. Dkt. #54. In addition, defendants "move[d] the Court to withdraw or amend the

responses to Plaintiff's most recent set of requests for admissions and allow the Defendants' respective responses and objections to stand." Id. at 3. As plaintiff points out in his reply brief, defendants' request is confusing. However, I assume that defendants are asking the court to accept its late-file discovery responses and deny plaintiff's motion to compel as moot.

Although plaintiff opposes defendants' motion to amend their discovery responses, he has not shown that the approximate three-week delay caused him any prejudice. As defendants point out, plaintiff's requests for admission are largely duplicative of his past requests. In addition, plaintiff received the responses well before defendants filed their motion for summary judgment on January 4, 2019. Therefore, I am denying plaintiff's motion to compel as moot and granting defendants' motion to amend their responses to plaintiff's October 19, 2018 requests for admissions with their December 10, 2018 responses.

ORDER

IT IS ORDERED that plaintiff David Lee Walton's motion to compel, dkt. #51, is DENIED as moot. Defendants' motion to amend their responses to plaintiff's October 19,

2018 requests for admissions, dkt. #54, is GRANTED only with respect to their responses served on December 10, 2018.

Entered this 18th day of January, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge